

PATENT COOPERATION TREATY

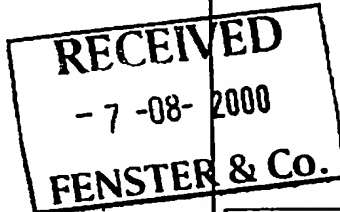
From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To: PAUL FENSTER
FENSTER & COMPANY PATENT ATTORNEYS LTD.
P.O. BOX 10256
PETACH TIKVA, ISRAEL 49002



Date of Mailing
(day/month/year)

27 JUL 2000

Applicant's or agent's file reference

092/01087

REPLY DUE

within ONE months
from the above date of mailing

International application No.

PCT/IL99/00399

International filing date (day/month/year)

20 JULY 1999

Priority date (day/month/year)

20 JULY 1998

International Patent Classification (IPC) or both national classification and IPC
IPC(7): G06F 17/60 and US Cl.: 705/14, 27; 295/200.31,33; 434/350, 379//12

Applicant

EASYNET ACCESS INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20 NOVEMBER 2000.

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

TOD SWANN

Telephone No. (703) 308-7794

Rugenia Zagan

I. Basis of the opinion**1. With regard to the elements of the international application: ***

- ☒ the international application as originally filed
- ☒ the description:
pages 1-40 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the claims:
pages 41-50 , as originally filed
pages NONE , as amended (together with any statement) under Article 19
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the drawings:
pages 1-3 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the sequence listing part of the description:
pages NONE , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description. pages NONE
- ☒ the claims. Nos. NONE
- ☒ the drawings. sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Inventive Step (IS)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Industrial Applicability (IA)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO

2. citations and explanations

Claims 1-5, 9-19, 28,29, 36, 37 and 81-84 lack novelty under PCT Article 33(2) as being anticipated by Toader et al (US Pat. 5,749,075).

Per claim 1, Toader discloses a method of pre-paid Internet access comprising (Figure 1):
 accessing an Internet using a prepaid account, which access deducts from a balance of said account (the consumer accesses the Internet using pre-paid access account (col. 1 L 55-67, col. 3 L 15-18); and
 performing one of more activities connected to said Internet, which activities incidentally modify said balance to said accessing, which activities are other than a requesting by an accessors of said account to transfer funds to said account from other account (col. 3 L 29-58).

Per claim 2, wherein said one or more activities increase said balance (the access period is extended using one or more options col. 3 L 48-51).

Per claim 3, wherein said one or more activities comprise accessing a particular site (col. 3 L 29-45, the user visits the entry server (sponsor's site) or the user may access any desired site as explained in the reference).

Per claim 4, wherein said one or more activities comprise replying a questionnaire (see registration process col. 3 L 29-32).

Per claim 5, wherein said one or more activities comprise providing personal information (registration process includes a number of personal questions col. 3 L 29-32).

Claims 9,11,12,13,14,15: one or more activities recites in these claims are inherent to the Internet access by the user (col. 3 L 45-48, the user is allowed to access any information on the Internet).

(Continued on Supplemental Sheet.)

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 17-36 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because the claims are indefinite for the following reason(s): the claims do not positively identify which claims of the group (or in which combination) of the identified group are applicable in the dependent claims. For example, claim 17 depends on "any of claims 1-16". Claim 17 does not specify whether it depends on "any one" or "at least one" or a predetermined combination of the parent claims, thus rendering claim 17 indefinite.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

IV. LACK OF UNITY OF INVENTION:

2. Although this IPEA did not invite applicant to restrict or pay additional fees, Unity of Invention is lacking for the following reasons:

This application contains the following inventions or groups of inventions which are not so linked as to form a single inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

The inventions listed as Groups I through VI do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I: Claims 1-37, 44-50 and 69-87 are drawn to a method of billing for the Internet access.

Group II: Claims 38-43 are drawn to the Internet connection including selection of an ISP (Internet Service Provider).

Group III: Claims 51-54 are drawn to a method of configuring a computer for the Internet access.

Group IV: Claims 55-58 are drawn to a method of placing and controlling presentation of an electronic advertisement based on a prepaid account.

Group V: Claims 59-63 are drawn to a system for construction of a WWW site based on inputs from a user.

Group VI: Claims 64-68 are drawn to a method of connection to a URL on the Internet.

The inventions listed as Groups I through VI do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons:

Group I is drawn to a method of payment and billing for the Internet access. The Inventions recited in Groups II-VI lack technical features to form a single inventive concept present in Group I.

Group II is drawn to the Internet connection including selection of an ISP. The Inventions recited in Groups I, and III-VI lack technical features to form a single inventive concept present in Group II.

Group III is drawn to a method of configuring a computer for the Internet access. The Inventions recited in Groups I, II, and IV-VI lack technical features to form a single inventive concept present in Group III.

Group IV is drawn to a method of placing and controlling presentation of an electronic advertisement based on a prepaid account. The Inventions recited in Groups I-III, V and VI lack technical features to form a single inventive concept present in Group IV.

Group V is drawn to a system for construction of a WWW site based on inputs from a user. The Inventions recited in Groups I-IV and VI lack technical features to form a single inventive concept present in Group V.

Group VI is drawn to a method of connection to a URL on the Internet. The Inventions recited in Groups I-V lack technical features to form a single inventive concept present in Group VI.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 11

V. 1. REASONED STATEMENTS:

The opinion as to Novelty was positive (YES) with respect to claims 6-8, 21-27, 30, 31, 48-50, 73 and 80-84.

The opinion as to Novelty was negative (NO) with respect to claims 1-5, 9-20, 28, 29, 32-37, 44-47, 69-72, 74-79 and 85- 87.

The opinion as to Inventive Step was positive (YES) with respect to claims 6-8, 80.

The opinion as to Inventive Step was negative (NO) with respect to claims 1-5, 9-37, 44-50, 69-79, 81-87.

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-37, 44-50, 69-87.

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE.

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

Per claim 10, wherein said one or more activities decrease said balance (col. 6 L 18-29).

Per claim 16: an accessor of said Internet using said account is queried for conformation before at least one of said activities cause a charge deduction (registration process col. 3 L 29-32).

Per claim 17: said Internet connection is mediated by a pre-paid server and wherein said pre-paid server transfers funds to pay for at least one of said one or more activities (the Enhanced Entry Server of the Toader system perform the claimed function as recited in col. 3 L 45-58).

Per claim 18: activities increasing the balance is "options for extending the access balance". Activities decreasing the balance include accessing the Internet as discussed in col. 3 L 42-58).

Per claim 19: the pre-paid time period (balance) is constrained to remain positive as described in col. 3 L 48-51).

Per claim 28: per claim 28 the user accesses the Internet via the PIN number (col. 3 L 15-18).

Per claim 29: per claim 29 the user registers with the Enhanced Entry Server of the Toader system and responds to a number of personal questions (col. 3 L 29-32).

Per claim 36: Toader system is comprised of the claimed elements of the claim:
Computer (Enhanced Entry Server 5 on Figure 1 and discussed in col. 5 and 6); and
A storage media having software stored thereon, wherein said software supports said accessing and said modifying said account according to any of claim 1-16 (see item 13 on Figure 1).

Per claim 37: Toader discloses a method of maintaining pre-paid account, comprising:
providing a first pre-paid Internet access account associated with personalized information (col. 3 L 29-32).
providing a second prepaid card (col. 3 L 48-51).
transferring at least a part of a balance between the account and the card (col. 3 L 48 58).

per claims 81-84: Toader discloses a method of doing business which comprises of producing a plurality of pre-paid cards for interacting with the Internet and selling said cards to individual customers (abstract and Fig. 1). Purchasing advertisements and information are inherent steps for the Internet activity as disclosed by Toader.

Claims 1, 20, 32-35, 44-47, 69-72, 74-79 and 85-87 lack novelty under PCT Article 33(2) as being anticipated by Dedrick (US Pat. 5,768,521).

Per claim 1, Dedrick discloses a method of pre-paid Internet access comprising the steps as recited in claim 1, accessing an Internet using a prepaid account (see col. 3 L 60-65), performing one or more activities.. (requesting information as discussed in col. 2 L 43-55).

Per claim 20, the account balance is allowed to become negative (col. 4 L 1-9).

Claim 32 and 33: limiting access to said Internet responsive to limitation information associated with said account (col. 3 L 60- col. 4 L 9).

Claim 34: said account has a virtual personality associated therewith (col. 3 L 13-29).

Claim 35: said accessing is modified responsive to said virtual personality (col. 7 L 61- col. 8 L 13).

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 12

Claim 44: Dedrick discloses a method of Internet billing, comprising:

Connecting to an Internet via a cost server (col. 2 L 45-52, Client computers 12 coupled to a metering server 14);
accessing a plurality of Internet sites via cost server, using an Internet protocol, which action does not require
additional actions beyond selecting a URL (col. 3 L 13-15);

generating a debit, which debit accumulates charges at a different rate for each accessed site (col. 6 L 51-62);

Claim 45: said Internet is accessed using a pre-paid Internet account, which account is debited using said debit (col. 7 L 29-49).

Claim 46: presenting an indication responsive to said debit to said user during said access (col. 7 L 40-46).

Claim 47: said cost-server is connected via the Internet (col. 2 L 45-52).

Claim 69: Dedrick teaches a method of manipulating a pre-paid card, comprising:

receiving an anonymous pre-paid account (user' account col. 3 L 60-66);

associating a personal information with said account (approval...the end user co. 3 L 66- col. 4 L 1);

interacting with an Internet using said account, which interaction is modified by said personal information (col. 3 L 31- col. 4 L 9).

Claim 70: personal information comprises a user identification (col. 3 L 66- col. 4 L 1, credit card or bank account number are user identifications).

Claims 71 and 72: personal information comprises at least one limitation on said card (credit card balance col. 4 L 2-5, this amount is also limitation on cost expenditure as recited in claim 72).

Claim 74: personal information comprises a virtual personality (col. 3 L 31-44, refer to user profile).

Claim 75 and 77: said interaction modifies a balance of said account (col. 3 L 60 - col. 4 L 9, interaction is requested information over the Internet).

Claim 76: said personal information comprises a storage location on a computer connected to the Internet (col. 3 L 31-36).

claims 78 and 79: pre-paid account is limited to purchasing information (the account is the end-user's account in the system (col. 3 L 60-66) set up for purchasing information (including advertisements from yellow pages) as disclosed in col. 3 and 4).

Claims 21-27, 30, 31, 48-50, 73 and 85-87 lack an inventive step under PCT Article 33(3) as being obvious over Dedrick (US Pat. 5,758,521) and further in view of well known features of the electronic information distribution methods.

Dedrick fails to disclose features recited in claims 20-27, 30 and 31.

Regarding claims 21-27, it is old and well known that the information service providers charge customers for access usage according to the type (quality) of access, for example access via a dialup modem or broad band access etc. It would have been obvious to implement the Dedrick system using a variety of connections (defined by quality parameters such as bandwidth) and charge fees accordingly because the customer would have choices of service based on his or her preference.

Regarding claim 30 and 31: It is old and well known that information service providers (ISP) such as CompuServe or America Online provided on-line services to the users for a pre-paid amount and pre determined duration of time wherein the user provided his or her e-mail address at the time of registration with the ISP. It is also old and old well known that the ISPs provided indication of the remaining account balance based on the access time. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide these features to communicate to the user the balance of time remaining in his or her account because this would allow the user to manage the access time to appropriate areas of interest.

All other limitations of claims 21-27, 30 and 31 are analyzed as in claim 1 above.

Claim 48-50: All limitations of claims 48-50 are analyzed as in claim 21 above.

Claim 73: Dedrick fails to teach that at least limitation comprises a limitation on accessing certain sites.

It is old and well known that certain sites may be blocked for certain users such as restricting sites having adult contents to underage users.

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to incorporate a limitation on accessing certain sites because such limitation would provide control of the content distribution to appropriate users.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 13

All other limitations of claim 73 are analyzed as in claim 71.

Regarding claims 85-87 Dedrick teaches a system comprising:

a computer having software production software stored in association therewith (col. 4 L 26-28).
software loaded on said computer, which software configures said production software to match a user, responsive to personalization information provided by said user (col. 4 L 10-25).
usage tracking software for charging for use of said computer (col. 3 L 46-59);
a data port from (read "for") providing said personalized information by said user (col. 3 L 12-29).

Whereas, Dedrick teaches all functionalities of the claimed invention, Dedrick fails to teach that all functional means are implemented on same computer. However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to rearrange the hardware/software configuration as claimed because such specific configuration would be more appropriate based on cost and availability of the hardware/software.

claims 86 and 87 are inherently disclosed by Dedrick as shown in Figure 1 and col. 2 L 43-59.

Claims 6-8 and 80 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest: a method of pre-paid Internet access having a computer automatically determines if the access service is performed satisfactory (claims 6-8); and

a method of calculating a pre-paid account balance comprising a step of determining a quality of activity of interaction with the Internet (claim 80).

----- NEW CITATIONS -----

NONE